

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA,
ex rel. ALEX DOE, RELATOR, *et al.*

Plaintiffs,

v.

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC., *et al.*

Defendants.

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Civil Action No. 2-21-CV-022-Z

TEXAS'S RESPONSE TO DEFENDANTS' EMERGENCY
MOTION TO MODIFY THE BRIEFING SCHEDULE
ON TEXAS'S MOTION TO COMPEL

Defendants' decision to serve privilege logs *weeks* after the close of discovery should not entitle them to more time to further delay the resolution of these issues. Contrary to Defendants' representations to the Court, Texas's Supplement includes no new bases for challenging Defendants' privilege claims. Rather, as explained in Texas's Motion to Compel, Defendants have been on notice of the arguments in Texas's Motion and Supplement *for over nine weeks*. Defendants bemoan that "the Supplement appears to *more than* triple the number of documents Texas is challenging," (Dkt. 359 at 2) (emphasis in original), but their complaint is due to their own conduct. Defendants' production of a third privilege log on the day Texas filed its Motion to Compel and *revised* third privilege log three days later comes weeks after the close of discovery. Texas has already been substantially prejudiced by Defendants'

dilatory tactics, and further delay will only exacerbate that prejudice—particularly when Defendants now ask that their response be due only eight days before the dispositive motion deadline.

Defendants have delayed and stalled Texas’s every effort to resolve the issues in Texas’s Motion to Compel since Texas first raised them with Defendants on October 11, 2022. Faced with the consequences of their own delay, Defendants ask the Court to allow them even more time to postpone the resolution of these issues. Texas respectfully asks the Court to deny Defendants’ Emergency Motion to Modify the Briefing Schedule for Texas’s Motion to Compel Defendants’ Production of Documents Identified on Defendants’ Privilege Logs.

Dated: December 20, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2022, this document was electronically filed and served via the Court's CM/ECF system.

/s/ Christopher D. Hilton
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